

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA, Plaintiff, vs. QHANG CHAM, Defendant.	Case No. 3:14-cr-00063 APPEAL FROM PRETRIAL ORDER OF DETENTION ENTERED DECEMBER 30, 2014
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Defendant, Quang Cham, by and through his attorney Clemens Erdahl, for his Appeal from Pretrial Order of Detention entered December 30, 2014 states as follows:

1. On November 18, 2014 Defendant, Quang Cham (hereinafter “Cham”) was indicted on the charges of Conspiracy to Distribute Methamphetamine in violation of Title 21, United States Code, Section 841 (a)(1), 846 and 841(b)(1)(C).
2. Cham was arrested on the indictment on December 24, 2014 and on December 30, 2014 a hearing was held on his detention prior to trial.
3. Following this hearing a Magistrate for the United States District Court for the Central District of California entered an Order of Detention on December 30, 2014.
4. In its Order of Detention the court found that Cham had not provided sufficient evidence to rebut the presumption in favor of detention and that

no condition or combination of conditions would reasonably assure Cham's appearance as required.

5. Cham was physically transported to this jurisdiction and he was arraigned before this Court on February 6, 2015.
6. At arraignment the time for Cham to appeal his detention order was extended to February 17, 2015.
7. Cham now appeals his order of Detention to this District Court.
8. The evidence does not support the Magistrate's conclusion that Cham poses a flight risk. Cham has a history of complying with court proceedings, has strong ties to his community and has family ties and obligations, including an ill mother whom he is required to care for.
9. At a detention hearing the court must consider 4 alternatives:
 - a. Release on personal recognizance or unsecured appearance bond;
 - b. Release subject to certain conditions;
 - c. Temporary detention to permit, among other things, revocation of conditional release; or
 - d. Pretrial detention.

See U.S. v. Orta, 760 F.2d 887, 890-891 (8th Cir. 1985) (footnotes omitted).

10. In the case at bar Cham has produced sufficient evidence that he is not a flight risk or danger to the community.

- a. Cham has resided with his mother who is very ill and has provided care for her for the last 4 years. *See* Exhibit A, B, and C attached.
- b. Cham's immediate family resides in the area. His mother, fiancée, brother and sister all live in California. *See* Exhibit A, B, and C attached.
- c. Cham has a history of complying with law enforcement and attending court hearings. *See* Exhibit B
- d. Cham is needed to provide care for his mother; care that his brother and sister cannot provide because of work obligations. *See* Exhibit B, C.

11. Cham has produced sufficient evidence to rebut the presumption in favor of detention and the government has not met its burden of proving by clear and convincing evidence that no set of conditions could be imposed that would allow release pending trial.

12. Cham is willing to agree to electronic monitoring, bond conditions, pretrial supervision and/or other conditions the court may impose.

13. Cham respectfully requests that the court set this appeal for hearing so that he may be represented by counsel and present additional evidence in support of his request for release.

Wherefore, Defendant, Quang Cham respectfully requests that the court set this matter for hearing and that upon hearing the court reverse the magistrate's detention order and order defendant released pending trial.

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all of the parties, or upon pro se parties, to the above-entitled cause by:

☐ U.S. Mail ☐ Fax ☐ Hand Delivered ☐ Overnight Courier X CM-ECF

/s/ Chelise R. Brain (Date) 2-17-2015

Respectfully submitted,
/s/ Clemens A. Erdahl

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